

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1 and 4 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. REJECTIONS UNDER 35 U.S.C. §§102 AND 103

Claims 1 and 4 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 5,305,296 to Kono;

Claims 2, 3, 5, and 6 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kono in view of U.S. Patent No. 6,987,717 to Hagiwara et al. (hereinafter, merely "Hagiwara").

Applicants respectfully traverse this rejection.

Claim 1 is representative and recites, *inter alia*:

“searching a test writing area for a stand-by position that can be used for an Optimum Power Calibration (OPC) on the optical recording medium, wherein said searching the test writing area is performed after the optical recording medium is inserted into the optical recording device and prior to receiving an input to start a recording operation.” (emphases added)

As understood by Applicants, *Kono* uses multiple test areas that are associated with respective count areas and data recording areas. The count areas are searched for an available test area, which is used to test the light beam. The associated recording area is used for recording information. Abstract and col. 4, lines 38-62. However, *Kono* does not search the test writing area for a calibration position after insertion of the recording medium and before receiving the start recording operation. As described in detail below, *Kono* searches the Program Management Area (PMA) not the Power Calibration Area (PCA) after insertion of the recording medium and before the recording operation. The PCA in *Kono* is searched after receiving the start-recording instruction.

In contrast, claim 1 recites, “searching a test writing area for a stand-by position that can be used for an OPC (Optimum Power Calibration) . . . after the optical recording medium is inserted into the optical recording device and prior to receiving an input to start a recording operation.” That is, in an aspect of the present invention, after the recording medium is inserted, the test writing area (*e.g.*, PCA: Power Calibration Area) is searched for an area that can be used for an Optimum Power calibration (OPC). The optical pickup is made to stand by at that position. When a recording operation is detected, an OPC operation at the standby position is performed to determine an optimum recording power *Pw*. Publ. App. pars. [0082]-[0086].

In relevant part, a location (the standby position) of the PCA in which the OPC operation is to be performed is determined. The optical pickup stops at the standby position. That is, the optical pickup is caused to stand by in a still state or in a stopping state at the standby position. The present invention has the advantage that a time required for searching the PCA can be shortened and, as soon as the user presses the recording button, the OPC operation can be performed at the same time. Publ. App. par. [0094].

The Office Action points to *Kono*, col. 4, lines 53-59, for the above feature of claim 1. The Office Action also points, more generally, to *Kono*, col. 4, and FIG. 2. However, a following of the method in *Kono* describes that the PMA not the PCA is searched after insertion of the recording medium and before the start-recording instruction is received. That is, the PCA is searched for a suitable calibration test area after the instruction to start recording is received.

The PMA (Program Management Area) "is an area for storing a recording history of items of information successively recorded in the program area. Specifically, the start addresses and end addresses of track numbers recorded in the program area . . ." *Kono*, col. 3, lines 43-48, *also* col. 9, lines 1-3. In contrast, the PCA (Power Calibration Area) "is an area where test recording is carried out prior to an information recording process." *Kono*, col. 2, lines 49-54. The PCA, not the PMA, of *Kono* clearly corresponds with the test writing area (PCA) of the present application.

The details of the *Kono* method are shown, generally, in FIG. 2. Immediately after the optical disc is loaded in step S1, then in step S2 the information recorded in the PMA is read. *Kono*, col. 8, lines 44-52. In steps S4, S5 *Kono* "determines whether . . . a key is pressed, then a

step S5 determines whether the pressed key is a key (REC key) for requesting a recording process.” *Kono*, col. 9, lines 25-32. That is, at this point *Kono* is receiving a start-recording instruction and the PCA has not yet been searched.

At *Kono* step S6, if the PCA flag is “on” then the PCA area is searched “where an optimum recording power is to be measured.” *Kono*, col. 9, lines 33-41.

According to *Kono*, “an optimum recording laser beam intensity is measured only immediately prior to a recording process or a recording standby process immediately after the optical disc 1 has been loaded in the apparatus . . . after an optimum recording laser beam intensity is measured in the test area TA of the PCA.” *Kono*, col. 12, lines 45-58. However, as discussed above, the TA of the PCA is not searched for the location to perform OPC until after an instruction to start recording.

Thus, in *Kono* the Power Calibration Area (PCA) is not searched for location to perform optimum power calibration (OPC) until after receiving an instruction to start recording. Put another way, the PCA of *Kono* is not searched for a position to perform OPC after insertion of the recording medium and prior to receiving the instruction to start recording.

In contrast, in the present application searching the PCA (test writing area) for a location to perform Optimum Power Calibration (OPC) “after the optical recording medium is inserted . . . and prior to receiving an input to start a recording operation.”

*Hagiwara* does not add the element missing from *Kono*.

Thus, claim 1 is patentable over *Kono* and *Hagiwara* because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claim 4 also believed to be patentable.

### **CONCLUSION**

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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